

Panaji, 12th February, 1993 (Magha 23, 1914)

SERIES I No. 46

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

Law (Establishment) Department

Goa Civil Service (Judicial Branch) Rules, 1992

Notification

1-53-82-LD

In exercise of the powers conferred by Articles 233 and 234 of the Constitution of India read with Section 20 of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987) and after consultation with the High Court at Bombay as required by Articles 233 and 234 of the Constitution of India and in supersession of the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1985, the Governor of Goa is pleased to make the following Rules regulating recruitment, appointment and the matters connected therewith in the Goa Civil Service (Judicial Branch), namely:—

#### PART - I

##### General

1. *Short title and commencement.*— (1) These Rules may be called the Goa Civil Service (Judicial Branch) Rules, 1992.

(2) They shall come into force at once.

2. *Definitions.*— In these Rules, unless the context otherwise requires, —

- (a) "Committee" means the Committee constituted under Rule 7;
- (b) "Government" means the Government of Goa;
- (c) "Governor" means Governor appointed under Article 155 of the Constitution of India for the State of Goa;
- (d) "High Court" means the High Court of Judicature at Bombay having jurisdiction over the State of Goa;
- (e) "Members of the service" means persons appointed to any grade of the service in

any capacity whatsoever in accordance with these Rules;

- (f) "Regulations" means the Goa Civil Service (Judicial Branch);

3. *Constitution of Service and its classification.*— The service shall have the following two Grades, viz:—

- (1) Grade I, consisting of District Judges and Additional District Judges.
- (2) Grade II—Senior Branch—Civil Judge, Senior Division.  
Junior Branch—Civil Judge, Junior Division.

#### PART - II

##### Authorised Strength

4. *Strength of service.*— The Strength of service shall be such as may be determined by the Governor from time to time in consultation with the High Court.

5. *Method of recruitment.*— Save as provided in Rule 10, appointment to posts in Junior Branch of Grade II of the service shall be made by direct recruitment in accordance with these rules.

6. *Eligibility.*— No person shall be eligible for appointment to the Junior Branch, Grade II, of the service unless:

- (a) he is an Indian citizen;
- (b) he is not less than 25 years and not more than 35 years of age (40 years in case of candidates belonging to the communities recognised as Backward Classes by Government for the purpose of recruitment);
- (c) he holds a degree in Law of any recognised University in India or equivalent thereof from a foreign country which has reciprocal understanding with the Government of India in the matter of recognition of academic qualifications;

- (d) he produces a certificate from a District Judge that he has sufficient knowledge of Konkani or Marathi;
- (e) he has practised as an advocate in the High Court or any Courts subordinate thereto or the former Judicial Commissioner's Court for not less than three years on the last date prescribed for the submission of the application, or he is an Assistant Public Prosecutor.

**Explanation:**—In the case of Assistant Public Prosecutors serving under the Government who apply for the posts, their service in that capacity should be taken as practice at the Bar.

**7. Interview.**—Appointment to the Junior Branch, Grade II, shall be made by the Governor in consultation with a Committee, consisting of:—

- (1) A Judge of the High Court nominated by the Chief Justice as the Chairman;
- (2) A Judge of the High Court nominated by the Chief Justice as Member;
- (3) Chief Secretary, Government of Goa as Member;
- (4) Law Secretary as Member Secretary.

The Committee shall prepare a Select List of candidates in order of merit after holding interviews of eligible candidates. Such list shall remain in operation until exhausted or for a period of two years, whichever is earlier. The Committee may evolve a reasonable method or formula for short-listing of candidates for holding interviews.

**8. Fitness.**—No candidate shall be appointed to the service unless he is found to be free from any mental or physical defect tending to interfere with the discharge of the duties of the service after a medical examination by such Board or a Medical Officer as may be prescribed by the Governor.

**9. Appointment of candidates included in the list.**—(a) Subject to the provisions of these Rules, the candidates may be considered for appointment to the available vacancies in the order in which their names appear in the List referred to in Rule 7.

(b) In filling the vacancies reserved for members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes as may be prescribed by the Government respectively, candidates belonging to these communities shall be considered for appointment as between themselves in the order in which their names appear in the List:

Provided that if a sufficient number of suitable candidates who are members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes are not available for whatsoever reason for filling all the vacancies so reserved, the remaining vacancies shall be filled up by appointment of the other candidates in the List and an equivalent number of additional vacancies shall be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes to be filled at the time of the next selection:

Provided further that if a sufficient number of suitable candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are not available at the time of the said next selection to fill up all the reserved vacancies, including the additional vacancies or such of them as are not filled, such vacancies shall lapse and form part of general vacancies.

### PART - III

**10. Initial appointment of person in the service.**—The holder of any post in the service as on the date these Rules come into force, shall continue to hold such post and shall be subject to the terms and conditions prescribed for completion of probation, if any, by the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1985. In other respects, the incumbents shall be governed by these Rules.

### PART - IV

**11. Disqualification.**—(i) No person who has more than one spouse living shall be eligible for appointment and continuation in service.

(ii) No person convicted of an offence involving moral turpitude shall be eligible for appointment and continuation in service. The decision of the High Court on the administrative side in case of dispute as to whether conviction for a particular offence involves moral turpitude shall be final.

(iii) No advocate suspended from practice as an Advocate by any Bar Council for professional misconduct or no person who held judicial post and was removed therefrom shall be eligible for appointment.

### PART - V

**12. Period of probation and confirmation.**—(a) Every person appointed to the Junior Branch Grade II of the Service, shall be on probation for a minimum period of two years and shall continue to be on such probation till the High Court issues a certificate about the satisfactory completion of probation. A person on probation shall be liable to be discharged from service at any time by the Governor on the recommendation of the High Court.

(b) A person who has been declared to have satisfactorily completed the period of probation may be made permanent, if there is a vacancy in the cadre and the High Court thinks fit to do so.

### PART - VI

**13. Re-employment, extension and Officiation.**—(a) If a member of the service is not immediately available for holding a Junior Branch Grade II post, that post may be filled in by the Governor on the recommendation of the High Court from amongst retired members of the service. The re-employed members shall be in service for such period as may be determined by the High Court.

(b) Notwithstanding anything contained in Clause (a), a member of the service who has attained the age of superannuation may be given extension of service for such period as may be specified if it is in public interest to do so with the sanction of the Government on a recommendation to that effect by the High Court.

14. *Restriction on Practice by persons nominated from the bar.* — Every person appointed to the Judicial service from amongst the members of the Bar shall be debarred from practising in any Court over which he may preside while in service or in any Courts subordinate thereto for a period of two years from the date on which he ceased to be in service, and shall at the time of his appointment give an undertaking in writing that for a period of two years from the date on which he ceased to be in service he shall not practise in such Courts.

PART - VII

15. *Seniority.* — The High Court shall maintain a list of members of the service arranged in order of seniority as provided by the regulations in this regard.

16. *Appointment and selection.* — Selection from Grade II to Grade I shall be made by the Governor in consultation with the High Court.

17. *Appointment to posts in Grade II Senior Branch.* — (a) Appointment to post in Grade II Senior Branch shall be made by the High Court by promotion from amongst Officers of Grade II Junior Branch who have a standing of at least four years:

Provided that the High Court may, for the reasons to be recorded in writing, relax the condition relating to minimum years of service.

(b) Appointment by nomination shall be made by the Governor on the recommendation of the High Court from members of the Bar who have practised as Advocates for not less than five years in the High Court or Courts subordinate thereto:

Provided that as far as possible not more than 33% posts in Grade II Senior Branch shall be filled in by nomination.

18. *Appointment to posts in Grade I* — (a) Appointment to posts in Grade I shall be made by the Governor —

(i) by promotion from amongst members of Grade II selected by the High Court:

Provided that a member of Grade II Junior Branch shall not be eligible to be considered for promotion unless he has put in ten years of service.

(ii) by nomination on the recommendation of the High Court from members of the Bar who have been for not less than seven years, practising as Advocates in the High Court or Courts subordinate thereto:

Provided that the proportion of posts filled in by nomination shall as far as possible be equal.

PART - VIII

19. *Pay and Allowances.* — (a) The scales of pay and allowances shall be as determined by the Governor in consultation with the High Court from time to time. Pending determination, the members of the service shall draw such pay and allowances as are admissible under the Rules applicable thereto.

(b) Dearness and other allowances shall be payable to the persons holding posts in Grade I and Grade II at such rates as may be prescribed by Government from time to time.

PART - IX

20. *Power to make regulations.* — The High Court may make regulations not inconsistent with these Rules, to provide for all matters for which provision may be necessary and expedient for the purpose of giving effect to these Rules.

By order and in the name of the Governor of Goa.

A. S. Awale, Under Secretary (Law).

Panaji, 10th February, 1993.